

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JOHN STEVEN THOMAS

v.

UNITED STATES OF AMERICA

:
:
: CIVIL NO. CCB-13-1643
: Criminal No. CCB-11-0576
:
...o0o...

MEMORANDUM

Federal prison inmate John Steven Thomas filed a motion seeking to vacate his sentence under 28 U.S.C. § 2255. Thomas pled guilty to unlawful possession of a firearm by a convicted felon. Because he qualified under 18 U.S.C. § 922(g)(1) and 924(e) as an Armed Career Criminal, he was sentenced on June 5, 2012 to the mandatory minimum of 180 months, as jointly recommended in his plea agreement with the government. He took no appeal.

In his motion, Thomas argues that his plea was not “constitutional” because he was not advised of various rights at the Rule 11 proceeding, not advised of the nature of the charges against him and the consequences of his guilty plea, and not asked if he had been coerced into pleading guilty. He failed to raise these issues on direct appeal, and therefore has procedurally defaulted his right to raise them on collateral appeal. More significantly, a review of the transcript of the Rule 11 proceeding conducted on April 5, 2012, demonstrates that Thomas was in fact advised of all the matters he raises in his motions. He denied any force or threats had been used against him, admitted the factual basis for his plea, understood the 15-year mandatory minimum, and stated he was satisfied with the representation of counsel. (Gov’t. Mem., Ex. 2, Tr. 4/5/12). There is no support on the record for his § 2255 Motion.

Accordingly, the motion will be denied and a certificate of appealability also will be denied. A separate order follows.

October 18, 2013
Date

/s/
Catherine C. Blake
United States District Judge